



# Town Council Agenda Report

**SUBJECT:** Resolution

**CONTACT PERSON/NUMBER:** Daniel J. Stallone, Code Compliance Official: 797-1121

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 99-220 FROM \$21,750 IN AMOUNT TO \$5,225.44; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The property owners were cited for a violations of business district provisions, maintaining a neighborhood nuisance and outdoor activities restricted. The violations have been corrected and mitigation is acceptable.

Respondent cited:	March 10, 1998
Final Order:	April 1, 1998
Non-Compliance Hearings:	May 26, July 14, & Nov 17, 1988
Fine/lien Imposed:	\$21,750

**PREVIOUS ACTIONS:** Not Applicable

**CONCURRENCES:** The respondents agreed with the staff mitigation guidelines.

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Motion to approve the resolution.

**Attachment(s):** Resolution, Mitigation Request Summary

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT LIEN IN CASE NO. 98-220 FROM \$21,750 IN AMOUNT TO \$5,225.44; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Discount Auto Parts, Inc., requested a mitigation of Code Enforcement liens from \$21,750 to \$5,225.44; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 12-33(p)(9), 12-33(w) and 12-33(t) were corrected; and

WHEREAS, the Town of Davie Code Compliance Division staff suggested that based upon Staff recommended mitigation guidelines, the mitigation of the original lien be from \$21,750 to \$5,225.44; and

WHEREAS, Discount Auto Parts, Inc., and the Town of Davie Code Compliance Division are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the certain Code Enforcement liens arising out of Case 98-220 in the amount of \$21,750, against Discount Auto Parts, Inc., are hereby mitigated in amount to \$5,225.44.

SECTION 2. That this mitigated amount of \$5,225.44 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$5,225.44 not be paid within the specified time the lien shall revert to the original amount of \$21,750.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_  
MAYOR/COUNCIL MEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

## MITIGATION REQUEST SUMMARY

DATE: April 19, 2000

NAME: Discount Auto Parts, Inc.  
ADDRESS: 8401 SW 45 Street, Davie, FL  
CASE: 98-220

### SUMMARY:

Date respondents cited:	March 10, 1998
Date of Final Order:	April 1, 1998
Non-Compliance Hearing(s)	May 26, 1998    July 14, 1998    November 17, 1998

Fine/Lien(s) Imposed:	Three liens totaling	\$ 21,750.00
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Original fines:	\$ 21,750.00
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7.5% of amount	\$ 1,631.25
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2% for correction of violation within 29 days	\$ 435.25
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Base costs to Town	\$ 709.19
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Legal fees	<u>\$ 2,350.00</u>
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Total	\$ 5,225.44
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Department Guideline recommended mitigation amount:	\$ 5,225.44
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Amount the respondent desires to pay:	\$ 5,225.44
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Date respondent requested mitigation:	February 10, 1999
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Date of Mitigation Hearing by Special Master:	N/A Direct to Council in agreement with Guidelines.
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The property owner was cited for violations of business district provisions, maintaining a neighborhood nuisance and outdoor activities restricted. The violations have been corrected and mitigation is acceptable. The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 5,225.44 should be considered and approved by the Town Council and the respondent(s) given 45 days to pay the mitigated amount.

DANIEL J. STALLONE  
CODE COMPLIANCE OFFICIAL